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March 15, 2019

Magistrate Judge Vera M. Scanlon
United States District Court
Eastern District of New York
225 Cadman Plaza East, 505 North
Courtroom: N504—North Wing
Brooklyn, New York 11201

*Johnson v City of New York,
16-cv-6426 (KAM) (VMS)*

Dear Judge Scanlon:

As one of the plaintiff's counsel in the above-referenced action, I am writing to inform the Court of the status of the deposition subpoena that the plaintiff issued for *New York Post* journalist Sue Edelman. Unfortunately, we are not able to work out an agreement regarding the subpoena and the *Post*'s counsel has informed me that they will be filing a motion to quash.

Under these circumstances, I am writing to request with the consent of the *Post*'s counsel that the Court establish a briefing schedule for the motion as follows: motion to quash served and filed by April 4, 2019; opposition served and filed by April 18th; and reply served and filed by April 25th.

I have already informed the counsel for the *Post* that it is our position that the reporter's privilege has been waived when one of the reporter's sources was revealed to Peter Gleason, Esq., by the reporter. I have also already provided counsel with a copy of Mr. Gleason's written deposition, which details those facts. As such, I believe that the proposed motion can be specifically focus on the waiver issue.

Respectfully submitted,


Nathaniel B. Smith

cc: All Defense Counsel (via ECF)
cc: EricFeder@dwt.com (counsel for the New York Post)